

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DERRICK DALE FONTROY,)
Plaintiff,)
v.) C.A. No. 3:14-cv-165
JOHN WETZEL, et al,)
Defendants.)

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on August 4, 2014, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, filed on May 13, 2015, recommended that Plaintiff's Motion for Emergency Hearing Requested Due to Retaliatory Confiscation of Plaintiffs Z-Code Single-Cell Status and Classification [65] be denied; Plaintiffs Complaint for Temporary Restraining Order and Preliminary Injunction against a Pervasive Risk of Harm [67] be dismissed as moot, and as facially unripe; and Plaintiffs Emergency Motion for Hearing and Motion for Temporary Restraining Order [70] be denied. Service was made on Plaintiff by mail at SCI Laurel Highlands, where he is incarcerated, and on Defendants. Objections were filed by the Plaintiff on June 18, 2015. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this **10th** Day of February, 2016;

IT IS HEREBY ORDERED that Plaintiff's Motion for Emergency Hearing Requested

Due to Retaliatory Confiscation of Plaintiffs Z-Code Single-Cell Status and Classification [65] is denied; Plaintiffs Complaint for Temporary Restraining Order and Preliminary Injunction against a Pervasive Risk of Harm [67] is dismissed as moot, and as facially unripe; and Plaintiffs Emergency Motion for Hearing and Motion for Temporary Restraining Order [70] is denied.

The report and recommendation of Magistrate Judge Baxter, dated May 13, 2015, is adopted as the opinion of the court.

February 10, 2016



KIM R. GIBSON
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____